

1 SENATE BILL NO. 100

2 INTRODUCED BY G. HERTZ

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATING TO NATUROPATHIC
5 PHYSICIANS AND NATURAL SUBSTANCES; REVISING DEFINITIONS; AMENDING THE NATURAL
6 SUBSTANCE FORMULARY LIST FOR NATUROPATHIC PHYSICIANS; AMENDING LAWS RELATING TO
7 THE NATURAL SUBSTANCE FORMULARY LIST; AMENDING SECTIONS 37-26-103, 37-26-201, AND 37-
8 26-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 **Section 1.** Section 37-26-103, MCA, is amended to read:13 **"37-26-103. Definitions.** As used in this chapter, the following definitions apply:14 (1) "Approved naturopathic medical college" means a college and program granting the degree of
15 doctor of naturopathy or naturopathic medicine that:16 (a) is accredited by the council on naturopathic medical education or another accrediting agency
17 recognized by the United States department of education;

18 (b) has the status of candidate for accreditation with the accrediting agency; or

19 (c) has been approved by the board after an investigation that determines that the college or
20 program meets education standards equivalent to those established by the accrediting agency and complies
21 with the board's rules, which must require as a minimum a 4-year, full-time resident program of academic and
22 clinical study.

23 (2) "Board" means the alternative health care board established in 2-15-1730.

24 (3) "Department" means the department of labor and industry provided for in 2-15-1701.

25 (4) "Homeopathic preparations" means substances and drugs prepared according to the official
26 Homeopathic Pharmacopoeia of the United States, which is the standard homeopathic text recognized by the
27 United States food and drug administration.

28 (5) (a) "Minor surgery" means the use of:

1 (i) operative, electrical, or other methods for the surgical repair and care incidental to superficial
2 lacerations and abrasions, superficial lesions, and the removal of foreign bodies located in the superficial
3 tissues; and

4 (ii) antiseptics and local anesthetics in connection with the methods.

5 (b) Minor surgery does not include general or spinal anesthetics, major surgery, surgery of the
6 body cavities, or specialized surgeries, such as plastic surgery, surgery involving the eyes, or surgery involving
7 tendons, ligaments, nerves, or blood vessels.

8 (6) (a) "Naturopathic childbirth attendance" means the specialty practice of natural childbirth by
9 naturopathic physicians that includes the use of ~~natural~~ therapeutic substances, ophthalmic antibiotics, oxytocin
10 (pitocin), and minor surgery, as set by board rules.

11 (b) The term does not include a forceps delivery, general or spinal anesthesia, or a cesarean
12 section.

13 (7) "Naturopathic medicine", "naturopathic health care", or "naturopathy" means a system of
14 primary health care practiced by naturopathic physicians for the prevention, diagnosis, and treatment of human
15 health conditions, injury, and disease. Its purpose is to promote or restore health by the support and stimulation
16 of the individual's inherent self-healing processes. This is accomplished through education of the patient by a
17 naturopathic physician and through the use of ~~natural~~ therapies and therapeutic substances.

18 (8) "Naturopathic physical applications" means the therapeutic use by naturopathic physicians of
19 the actions or devices of electrical muscle stimulation, galvanic, diathermy, ultrasound, ultraviolet light,
20 constitutional hydrotherapy, and naturopathic manipulative therapy.

21 (9) "Naturopathic physician" means a person authorized and licensed to practice naturopathic
22 health care under this chapter.

23 (10) "Topical drugs" means topical analgesics, anesthetics, antiseptics, scabicides, antifungals, and
24 antibacterials."

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26 **Section 2.** Section 37-26-201, MCA, is amended to read:

27 **"37-26-201. Powers and duties of board.** The board shall:

28 (1) adopt rules necessary or proper to administer and enforce this chapter;

1 (2) adopt rules that specify the scope of practice of naturopathic medicine stated in 37-26-301, that
2 are consistent with the definition of naturopathic medicine provided in 37-26-103, and that are consistent with
3 the education provided by approved naturopathic medical colleges;

4 (3) adopt rules that endorse equivalent licensure examinations of another state or territory of the
5 United States, the District of Columbia, or a foreign country and that may include licensure by reciprocity;

6 (4) adopt rules that set nonrefundable fees for application, and licensure;

7 (5) approve naturopathic medical colleges as defined in 37-26-103;

8 (6) issue certificates of specialty practice;

9 (7) adopt rules that, in the discretion of the board, appropriately restrict licenses to a limited scope
10 of practice of naturopathic medicine, which may exclude the use of minor surgery allowed under 37-26-301;
11 and

12 (8) adopt rules that contain the ~~natural substance~~ formulary list created by the alternative health
13 care formulary committee provided for in 37-26-301."
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15 **Section 3.** Section 37-26-301, MCA, is amended to read:

16 **"37-26-301. Practice of naturopathic health care -- alternative health care formulary committee.**

17 (1) Naturopathic physicians may practice naturopathic medicine as a limited practice of the healing arts as
18 exempted in 37-3-103(1)(m), with the following restrictions. A naturopathic physician may not:

19 (a) prescribe, dispense, or administer any legend drug, as defined in 50-31-301, except for whole
20 gland thyroid; homeopathic preparations; the ~~natural~~ therapeutic substances, drugs, and therapies described in
21 subsection (2); and oxytocin (pitocin), provided that the naturopathic physician may administer but may not
22 prescribe or dispense oxytocin (pitocin);

23 (b) administer ionizing radioactive substances for therapeutic purposes;

24 (c) perform surgical procedures except those minor surgery procedures authorized by this chapter;

25 or

26 (d) claim to practice any licensed health care profession or system of treatment other than
27 naturopathic medicine unless holding a separate license in that profession.

28 (2) Naturopathic physicians may prescribe and administer for preventive and therapeutic purposes

1 the following ~~natural~~-therapeutic substances, drugs, and therapies, as well as drugs as specified by~~en~~ the
 2 ~~natural substance~~-formulary list provided for in subsection (3):

3 (a) food, food extracts, vitamins, minerals, enzymes, whole gland thyroid, botanical medicines,
 4 homeopathic preparations, and oxytocin (pitocin);

5 (b) topical drugs, health care counseling, nutritional counseling and dietary therapy, naturopathic
 6 physical applications, therapeutic devices, and nonprescription drugs; and

7 (c) barrier devices for contraception, naturopathic childbirth attendance, and minor surgery.

8 (3) A five-member alternative health care formulary committee appointed by the board shall
 9 establish a ~~natural substance~~-formulary list. The committee consists of a licensed pharmacist plus four
 10 members of the board, two of whom must be licensed naturopathic physicians, one who must be a licensed
 11 medical doctor, and one who must be a public member. The list may not go beyond the scope of substances
 12 covered by approved naturopathic college curricula or continuing education and must be reviewed annually by
 13 the committee. Changes to the list that are recommended by the committee and accepted by the board must be
 14 published as administrative rules.

15 (4) Naturopathic physicians may perform or order for diagnostic purposes a physical or orificial
 16 examination, ultrasound, phlebotomy, clinical laboratory test or examination, physiological function test, and
 17 any other noninvasive diagnostic procedure commonly used by physicians in general practice and as
 18 authorized by 37-26-201(2).

19 (5) Except as provided by this subsection, it is unlawful for a naturopath to engage, directly or
 20 indirectly, in the dispensing of any drugs that a naturopath is authorized to prescribe by subsection (2). If the
 21 place where a naturopath maintains an office for the practice of naturopathy is more than 10 miles from a place
 22 of business that sells and dispenses the drugs a naturopath may prescribe under subsection (2), then, to the
 23 extent the drugs are not available within 10 miles of the naturopath's office, the naturopath may sell the drugs
 24 that are unavailable."

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26 NEW SECTION. **Section 4.** **Effective date.** [This act] is effective on passage and approval.

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